



FROM: Waste Management

SUBMITTAL DATE: August 28, 1990

SUBJECT: Adopt Resolution No. 90-493 authorizing the establishment of separate escrow accounts for deposit and safekeeping of Closure and Post-Closure maintenance funds, for each County owned landfill; and adopt separate Escrow Agreements establishing these closure accounts for 12 County landfills.

RECOMMENDED MOTION: Adopt Resolution No. 90-493, and approve the attached Escrow Agreements establishing Closure and Post-Closure Escrow Accounts in separate enterprise funds for each of the County owned landfills of Double Butte, Highgrove, Mead Valley, Oasis, Anza, Lamb Canyon, Mecca II, Badlands, Edom Hill, Desert Center, Coachella, and Blythe, and authorize the Chairman to execute the agreements on behalf of the Board.

JUSTIFICATION: Regulations adopted by the State since the County's establishment of the common trust fund (December 1988), now require revised estimates and separate escrow accounts monitored and controlled by the California Integrated Waste Management Board in separate enterprise funds for each landfill. Funds will continue to be sent to the common trust established by the County in December 1988 for all landfills it intends to close, (not just these 12 landfills which were operating on January 1, 1988). From this common trust, funds will be transferred by the Department annually, as needed for the twelve (12) individual Escrow Agreements, i.e. one escrow for each County landfill operating after January 1, 1988. The payment schedules for each Escrow Agreement are based upon the Department's review and updated estimate of closure and post-closure maintenance costs, following receipt of comments from the state on one such estimate for the Highgrove Landfill. (CONT'D)

Robert A. Nelson
Robert A. Nelson, Director

C.A.O. RECOMMENDATION:

FINANCIAL IMPACT:

Approve

Administrative Officer Signature

Maurice Mankin

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Younglove, seconded by Supervisor Dunlap and duly carried by unanimous vote, IT WAS ORDERED that the above matter is adopted as amended, deleting Exhibit A which is attached to each of the twelve escrow agreements, and also deletes the reference to it on Page 1, as recommended by the California Waste Management Board staff.

Ayes: Younglove, Cenicerros, Dunlap, Larson and Abraham
Noes: None
Absent: None
Date: August 28, 1990

Gerald A. Maloney
Clerk of the Board
By: *[Signature]*

FORM APPROVED
COUNTY COUNCIL

AUG 20 1990

Robert A. Nelson
By: *[Signature]*
County Clerk

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August 28, 1990
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FINANCIAL: Sufficient funds are in the trust to meet immediate closure needs; however, the \$1.90/ton closure fund portion of tipping fee may have to be adjusted in future years to meet these payment schedules.

RAN:mfa

Attachment

cc: CAO
County Counsel

RESOLUTION NO. 90-493
CONTINUING AN EXISTING ENTERPRISE FUND FOR THE WASTE MANAGEMENT
DEPARTMENT AND ESTABLISHING FIRST PRIORITY THEREIN FOR FINANCING
THE COSTS OF CLOSURE AND POST-CLOSURE MAINTENANCE FOR COUNTY-
OWNED LANDFILLS OPERATED AFTER JANUARY 1, 1988, BY
ESTABLISHING SEPARATE ESCROW ACCOUNTS FOR THE
DEPOSIT OF FUNDS NEEDED FOR SUCH COSTS
AT 12 COUNTY LANDFILLS

WHEREAS, on March 8, 1983, this Board of Supervisors, by
Resolution No. 83-76 (attached hereto as Exhibit "A"), established
Enterprise Fund No. 1066-931 to be effective July 1, 1983, for the
purpose of accounting for waste disposal services and charges for
such services, pursuant to the provisions of Government Code 25261
and California Administrative Code, Title 2, Section 921(f); and

WHEREAS, Enterprise Fund No. 1066-931 continues in existence
to the present for the purposes so established; and

WHEREAS, Government Code Section 66796.22 (b) (added by
Chapter 1319 of the Statutes for 1987-1988) required that persons
and agencies operating landfills on January 1, 1988, shall submit
to the California Waste Management Board, a cost estimate for the
closure and post-closure maintenance of such landfills; and

WHEREAS, California Government Code Section 66792.22
(b)(1)(c) required that agencies operating landfills on January 1,
1988, begin to set aside funds each year in amounts adequate to be
used for the eventual closure and post closure maintenance costs
of the landfills; and

WHEREAS, such funding is to be established beginning with
the 1988-1989 fiscal year with deposits to be made prior to

JAMC KATZENSTEIN
COUNTY COUNSEL

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1 January 1, 1989; and

2 WHEREAS, on January 1, 1988, Riverside County was operating
3 the County-owned landfills of Double Butte, Highgrove, Mead Valley,
4 Oasis, Anza, Lamb Canyon, Mecca II, Badlands, Edom Hill, Desert
5 Center, Coachella and Blythe; and

6 WHEREAS, the County had been collecting a portion of the
7 tipping fees collected at its various gated landfills beginning in
8 January 1985, for the closure and post-closure maintenance costs
9 of all its landfills; and

10 WHEREAS, the County formalized its closure and post-closure
11 maintenance trust on December 19, 1988, by adopting Resolution No.
12 88-638, attached hereto as Exhibit "B" to meet the Eastin Bill
13 (Chapter 1319, Statutes for 1987- 1988); and

14 WHEREAS, the existing Trust Fund for Closure and Post-
15 Closure Maintenance includes set asides for other landfills in the
16 County, not required by the Eastin Bill or subsequent legislation
17 to be included in the Trust Account or in a separate Escrow
18 Account; and

19 WHEREAS, subsequent amendments to the Government Code, the
20 Public Resources Code, i.e., Section 43600 et seq., and the
21 California Code of Regulations in Title 14 now require the
22 establishment of a closure and post-closure maintenance fund for
23 landfills operating after January 1, 1988, in a form that is state
24 approved and will allow the California Integrated Waste Management
25 Board to approve disbursements from the fund; and

26 WHEREAS, the County desires to set up its closure and post-
27 closure fund to be in full compliance with current regulations,
28 and to keep the amount required by the State for those landfills

WILLIAM C KATZENSTEIN

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3300 W. STATE ST.
RIVERSIDE, CALIFORNIA

1 operating after January 1, 1988, in a separate State Closure and
2 Post-Closure Maintenance Fund for each landfill; and

3 WHEREAS, California Code of Regulations, Title 14, Sections
4 18283(d) and 18285 authorize a public entity such as the County of
5 Riverside to use an Enterprise Fund for the deposit of monies
6 needed to fund the costs of closure and post-closure maintenance
7 of county-owned and operated landfills; provided, however, there
8 is also established a separate Escrow Account for each landfill
9 for the safekeeping of these monies; and

10 WHEREAS, the County desires to keep intact the Closure and
11 Post-Closure Maintenance Fund it established on December 19, 1988,
12 as a fund from which it will receive monies from all sources
13 available for closure and post-closure maintenance of all landfills
14 for which it has financial obligations to fund, and thereafter
15 disperse therefrom, the required annual deposits to other more
16 restrictive accounts for each landfill from which disbursements
17 will be regulated by the State for those landfills operating on or
18 after January 1, 1988; now, therefore,

19 BE IT RESOLVED by the Board of Supervisors of the County of
20 Riverside, State of California, in regular session assembled on
21 August 28, 1990, that pursuant to Government Code Section 25261,
22 the accompanying Escrow Accounts [attached hereto as Exhibits
23 "C-1" through "C-12"], are hereby established under the Enterprise
24 Fund previously established in Resolution No. 83-76 adopted on
25 March 8, 1983, with said escrow accounts to receive and hold
26 monies to be disbursed and approved by the state and used
27 exclusively for the costs of closure and post-closure maintenance
28 of county-owned landfills operated by the County after January 1.

JAMC KATZENSTEIN
COUNTY COUNSEL

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RIVERSIDE, CALIFORNIA

1 1988.

2 BE IT FURTHER RESOLVED that from the fund established on
3 December 19, 1988, under Resolution No. 88-638 there shall be
4 annually transferred sufficient monies from those funds to the new
5 Escrow Accounts herein established as required by the State to
6 provide for the planned closure and post-closure maintenance costs
7 required to be on deposit for those landfills operating after
8 January 1, 1988.

9 BE IT FURTHER RESOLVED that disbursement of funds from those
10 Escrow Accounts shall be only in accordance with the fulfillment
11 of activities specified in the Closure and Post-Closure Maintenance
12 Plans approved by the applicable State agencies.

13 BE IT FURTHER RESOLVED that the Director of Waste Management
14 shall furnish progress reports to the California Integrated Waste
15 Management Board, on at least a quarterly basis, to demonstrate
16 that expenditures from the Enterprise Fund Escrow Account for
17 County landfill herein established have been made in accordance
18 with the expenditure plan, which is included in the most recently
19 approved Closure and Post-Closure Maintenance Plans, for County
20 landfills operating after January 1, 1988.

21 BE IT FURTHER RESOLVED that sufficient funds be maintained
22 in the Enterprise Fund Escrow Accounts herein established to
23 assure the California Integrated Waste Management Board that funds
24 in the amount necessary to meet the required expenses of the
25 project for closure and post-closure maintenance will be available
26 as needed, in accordance with 14 California Code of Regulations
27 18282(b) through (d).

28 BE IT FINALLY RESOLVED that the Director of Waste Management

WILLIAM C. KATZENSTEIN
COUNTY COUNCIL

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RIVERSIDE, CALIFORNIA

1 shall furnish annual financial statements of the Escrow Account to
2 the California Integrated Waste Management Board.

3 Roll Call resulted as follows:

4 Ayes: Abraham, Dunlap, Cenicerros, Larson and Younglove

5 Noes: None

6 Absent: None

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The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date hereinafter set forth.

GERALD A. JACOB, Clerk of said Board

12 By 7/15/90 Deputy

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GB:jf
138/lit
8/15/90

MC KATZENSTEIN
COUNTY COUNCIL

RIVERSIDE, CALIFORNIA

8/28/90 3.19

7 1990

EXHIBIT "C-5"

ESCROW AGREEMENT

The parties to this Escrow Agreement are the California Integrated Waste Management Board, referred to herein as BOARD, the Riverside County Waste Management Department referred to herein as WMD, and the County Treasurer's Office referred to herein as ESCROW AGENT. (The Escrow Agent will be the party that controls the funds for the County).

RECITALS

(1) BOARD and WMD desire to enter into an agreement to provide assurance of funds for closure and post-closure maintenance of Anza Landfill, referred to herein as PROJECT.

(2) The purpose of this agreement is to provide the terms and conditions for the deposit by WMD of sufficient funds with ESCROW AGENT to assure the BOARD that funds in the amount necessary to meet required expenses of the PROJECT for closure and post-closure maintenance will be available as needed.

(3) The funds shall be deposited into a separate identifiable account within the WMD Enterprise Fund 487-41-931 and transfer into ESCROW ACCOUNT 078-41-931 maintained by the County exclusively for the PROJECT.

SECTION IWMD AGREES:

(1) To deliver monies to the ESCROW AGENT according to the requirements of 14 California Code of Regulations (CCR) 18282(b) through (d).

(2) To request disbursement of funds from this ESCROW ACCOUNT only in accordance with and fulfillment of activities specified in the closure and post-closure maintenance plans most recently approved by the applicable State agencies.

(3) To furnish progress reports at least on a quarterly basis, to demonstrate that expenditures from this ESCROW ACCOUNT have been made in accordance with the expenditure plan, which is included in the most recently approved closure and post-closure maintenance plans.

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3 (4) To maintain sufficient funds in the ESCROW ACCOUNT to assure
4 the BOARD that funds in the amount necessary to meet the required
5 expenses of the PROJECT for closure and post-closure maintenance
6 will be available as needed. This means that, as a minimum, it
7 should be maintained in accordance with 14 CCR 18282(b) through
8 (d).

9 (5) To furnish annual financial statements of the ESCROW ACCOUNT
10 to the BOARD.

11 SECTION II

12 BOARD AGREES:

13 (1) In the event that WMD fails to perform the closure and post-
14 closure maintenance described in the closure and post-closure
15 plans, the BOARD shall request a draw of funds in United States
16 currency to pay for services or supplies needed to fulfill the
17 most recently approved closure and post-closure maintenance plans.
18 The funds shall be made available to the BOARD within fifteen (15)
19 days of the request. If reimbursement for BOARD supplied services
20 is necessary following BOARD-initialed actions taken to fulfill
21 the most recently approved closure and post-closure maintenance
22 plans, such requests shall be supported by documented billings
23 submitted to the ESCROW AGENT at least fifteen (15) days in
24 advance of payment. Payment in United States currency shall be
25 made to the BOARD within fifteen (15) days of submission of
26 documented costs.

27 (2) Notwithstanding the provisions of Section II, (1), herein,
28 WMD shall retain access to the funds on deposit in the ESCROW
ACCOUNT established and maintained in accordance with this ESCROW
AGREEMENT for services and supplies purchased and/or provided to
fulfill the closure and post-closure maintenance plans most
recently approved by the applicable State agencies.

29 SECTION III

30 ESCROW AGENT AGREES:

31 (1) To place WMD deposit funds into ESCROW ACCOUNT 078-41-931
32 immediately upon deposit by WMD.

33 (2) To hold WMD deposited funds in trust for the benefit of the
34 BOARD, or until such time as funds are requested by WMD, or by the
35 BOARD, or until this ESCROW AGREEMENT is terminated.

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3 (3) To make no charge to the BOARD for any services or out-of-
4 pocket expenses incurred in carrying out the duties and
5 obligations under this ESCROW AGREEMENT.

6 (4) That it holds said WMD deposited funds as trustee for the
7 BOARD and that the rights of the BOARD to such funds are superior
8 to any lien or claim of lien which ESCROW AGENT, WMD, WMD's
9 governing body claim or may in the future claim against said
10 funds.

11 (5) To make payments from the ESCROW ACCOUNT as the WMD shall
12 direct, in writing, to provide for the payment of the costs of the
13 PROJECT, pursuant to Section I, (2). Payments shall be made
14 within fifteen (15) days of the request.

15 (6) To make payments from the ESCROW ACCOUNT as the BOARD shall
16 direct, in writing, to provide for the payment of the costs of the
17 PROJECT, pursuant to Section II, (1). Payments shall be made
18 within fifteen (15) days of the request.

19 SECTION IV

20 THE PARTIES HERETO MUTUALLY AGREE THAT:

21 (1) All earnings and profits on amounts on deposit in the ESCROW
22 ACCOUNT shall be retained as part of the ESCROW ACCOUNT until such
23 time that the funds are needed to fulfill the closure and post-
24 closure maintenance requirements.

25 (2) WMD may, with BOARD'S concurrence, withdraw excess funds from
26 the custody of the ESCROW AGENT, provided that the requirements of
27 Section I, (2) of this agreement are satisfied. BOARD concurrence
28 will not be unreasonably withheld and denial for good cause shall
be provided to WMD not later than four (4) months following the
request to withdraw the excess funds.

(3) This ESCROW AGREEMENT shall terminate after notification to
ESCROW AGENT and WMD of the termination of the PROJECT pursuant to
14 CCR 18297; or, if a substitution of mechanism is made, pursuant
to the criteria of 14 CCR 18292. ESCROW AGENT shall then promptly
return to WMD all funds including accrued interest, earnings and
profits remaining in the ESCROW ACCOUNT upon notice that said
remaining funds may be released. The BOARD shall not unreasonably
delay the giving of such notice.

(4) Fully documented fees, charges or expenses, by the ESCROW
AGENT while servicing this ESCROW ACCOUNT shall be paid to the
ESCROW AGENT from the ESCROW ACCOUNT, following approval by the
BOARD.

(5) This ESCROW AGREEMENT shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto, consistent with provisions of 14 CCR 17792 and 18297.

(6) Separate counterpart signature pages may be used but that all pages shall constitute one and the same agreement.

STATE OF CALIFORNIA
Integrated Waste Management Board

By: *George H. L...*
Chief Executive Officer

Dated: _____

ESCROW AGENT

COUNTY
Board of Supervisors

By: *Deborah F. H...*
County Treasurer-Tax Collector

By: *Bob Spang*
Chairman

Escrow Agent

Dated: 8-20-90

Dated: 8/20/90 3.19

ATTEST:

By: *Margaret L...*
Clerk of the Board
Dated: _____

APPROVED AS TO FORM:

By: *M. B. Blankenship*
County Counsel

Dated: _____



FROM: Robert A. Nelson
Chief Executive Officer SUBMITTAL DATE: Sept. 27, 1994

SUBJECT: Adoption of Postclosure Maintenance Resolutions and Execution of Pledge of Revenue Agreements

RECOMMENDED MOTION:

1. Adopt Resolution Nos. 94-3; 94-4; 94-5; 94-6; 94-7; 94-8; 94-9; 94-10; 94-11; 94-12; 94-13; and 94-14 (attached) defining financial assurances for postclosure maintenance for 12 active landfills.
2. Authorize the Chairperson to sign and execute the attached Pledge of Revenue Agreements establishing terms of postclosure maintenance funding for 12 active landfills.

BACKGROUND: In August of 1990, the Waste Management Department and the California Integrated Waste Management Board entered into 12 agreements (1 for each active County-operated landfill) to provide assurance of funds for closure and postclosure maintenance of our landfills. Funds are transferred into 12 separate escrow accounts on an annual basis, based on a State-mandated formula, which will result in each landfill being fully funded for closure and post closure by the time that landfill is filled to capacity. (continued)

BJO:ldl
Attachments
cc: CAO
County Counsel

Robert A. Nelson
Robert A. Nelson
Chief Executive Officer

CURRENT YEAR COST: \$ N/A ANNUAL COST: \$ N/A
NET COUNTY COST: \$ -0- IN CURRENT BUDGET: YES x NO
SOURCE OF FUNDS:

Waste Resources Management District Funds

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Larson, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Cenicerros and Larson
Noes: None
Absent: Dunlap and Younglove
Date: September 27, 1994
xc: Waste Resources Mgmt. Dist.

Gerald A. Maloney
Clerk of the Board
By: *G. Maloney*
Deputy

F11 - Adoption of Postclosure Maintenance Resolutions and Execution of
Pledge of Revenue Agreements
September 27, 1994
Page 2

The State regulations also provide for an alternative mechanism that can be used only for postclosure maintenance costs of a landfill that is operated by a government agency. This mechanism, called a "Pledge of Revenue Agreement", pledges the availability of a specific amount annually from an identified source of revenue (future tipping fees) for the 30 year postclosure maintenance period. The effects of entering into such agreements would be 1) The escrow account would be dedicated solely to the closure costs; 2) the required deposits into the already established escrow accounts would be significantly lower in the next several years, thereby making more cash available for our immediate closure needs at Double Butte, Coachella, and Highgrove landfills; and 3) postclosure maintenance costs would be budgeted annually and tipping fees established to fund these costs in accordance with the Pledge of Revenue Agreements.

RESOLUTION NO. 94-4

FINANCIAL ASSURANCE FOR POSTCLOSURE MAINTENANCE
OF THE ANZA LANDFILL

WHEREAS, Public Resources Code sections 43500 through 43610.1 and sections of Title 14 of the California Code of Regulations ("Regulations"), Division 7, Chapter 5, Article 3.5, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities; and

WHEREAS, sections 18283 and 18290 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for financing postclosure maintenance costs of a solid waste landfill.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Riverside County Waste Resources Management District ("RCWRMD") that:

1. The RCWRMD operates the Anza Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 33-AA-0013 by Riverside County LEA serving as Local Enforcement Agency for the California Integrated Waste Management Board ("Board").
2. The RCWRMD shall establish a Pledge of Revenue to demonstrate financial responsibility for postclosure maintenance of the Anza Landfill in accordance with sections 18283 and 18290 of the Regulations.
3. Disbursement of funds for postclosure maintenance shall be in accordance with the final plan, as approved by the Board.
4. In the event the Board determines that the RCWRMD has failed, or is failing, to perform postclosure maintenance as required by law, the Board upon due notice to the RCWRMD may direct the Auditor-Controller to pay to the Chief Executive Officer ("CEO") from the pledged revenues sufficient funds to ensure postclosure maintenance, who then shall be obligated to use such funds for postclosure maintenance in accordance with the directives of the Board.
5. The CEO is directed to produce an annual report for transmittal to the Board, containing, as appropriate, a revised postclosure maintenance cost estimate, prepared as specified by section 18266 of the Regulations concerning the Anza Landfill.

SEP 21 1994

10.3

6. The number of current members of the Board of Directors of the RCWRMD who voted affirmatively when this resolution was adopted appear as follows:

Ayes: Buster, Cenicerros and Larson

Noes: None

Absent: Dunlap and Youglove

I, Gerald Maloney, Clerk of the Board of Supervisors of the County of Riverside, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of the Riverside County Waste Resources Management District at a regular meeting held on September 27, 1994, and duly entered in the minutes of said District.


For Clerk of the Board

SEAL

FORM APPROVED
COUNTY COUNSEL

SEP 21 1994

10.3 of 9/27/94

PLEDGE OF REVENUE AGREEMENT
ESTABLISHING FINANCIAL ASSURANCE FOR
POSTCLOSURE MAINTENANCE OF THE
ANZA LANDFILL

This agreement establishes a Pledge of Revenue to assure that adequate funds are available to carry out the Postclosure Maintenance of the Anza Landfill, Facility No. 33-AA-0013, located at 40329 Terwilliger Road, Anza, California.

This Agreement shall become effective immediately, and is made and entered into by and between the Riverside County Waste Resources Management District ("RCWRMD") and the California Integrated Waste Management Board ("Board").

WHEREAS, Public Resources Code, sections 43500 through 43610.1 and sections of Title 14 of the California Code of Regulations ("Regulations"), Division 7, Chapter 5, Article 3.5, require operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities; and

WHEREAS, sections 18283 and 18290 of the Regulations specify a Pledge of Revenue as an acceptable mechanism to demonstrate financial responsibility for postclosure maintenance costs of a solid waste landfill; and

WHEREAS, the RCWRMD operates the Anza Landfill, a solid waste landfill, in conformance with the findings, conditions, prohibitions and requirements contained in Solid Waste Facilities Permit No. 33-AA-0013 issued by the Riverside County LEA serving as Local Enforcement Agency for the Board; and

WHEREAS, the RCWRMD is pledging revenues from tipping fees of all remaining active landfills operated or contracted for operations by the RCWRMD, including but not limited to Solid Waste Facilities Permit Nos. 33-AA-0003, 33-AA-0006, 33-AA-0007, 33-AA-0009, 33-AA-0011, 33-AA-0012, 33-AA-0015, 33-AA-0016, 33-AA-0017, 33-AA-0071 and 33-AA-0217, deposited into the RCWRMD Closure Fund; and

WHEREAS, the RCWRMD has determined that projected net revenues from tipping fees during the thirty (30) year period of postclosure maintenance, shall, during each year of this period, be greater than the yearly monitoring and postclosure maintenance costs contained in the most recent Cost Estimate for the Anza Landfill, which has been submitted to the Board in accordance with section 18266 of the Regulations.

SEP 27 1994

10.3

Appendix 13-B - page 1

NOW THEREFORE, the RCWRMD and the Board do agree as follows:

1. The RCWRMD hereby establishes a pledge of revenue to demonstrate financial responsibility for postclosure maintenance of the Anza Landfill in accordance with sections 18283 and 18290 of the Regulations.
2. The RCWRMD agrees to pledge net revenues from remaining active landfills as described herein.
3. The amount of the pledged revenue shall be equal to \$34,899.53 per year for the 30 year period of postclosure maintenance, representing the most recent monitoring and postclosure maintenance cost estimate for the Anza Landfill. It is agreed that the amount of this pledge may increase or decrease to match any adjustment to the identified cost estimate which is mutually agreed to by the RCWRMD and the Board.
4. If the RCWRMD ceases at any time to retain control of its ability to allocate the pledged revenue as identified herein to pay postclosure maintenance costs, the RCWRMD shall notify the Board and the local enforcement agency and shall obtain alternate coverage within sixty (60) days after the control of funds lapses, pursuant to section 18290 of the Regulations.
5. In the event that the Board determines that the RCWRMD has failed, or is failing, to perform postclosure maintenance as required by law, the Board upon due notice to the RCWRMD may direct the Auditor-Controller to pay to the Chief Executive Officer from the pledged revenues sufficient funds to ensure postclosure maintenance, who shall then use such funds for postclosure maintenance in accordance with the directives of the Board.

IN WITNESS HEREOF, the parties have executed this agreement on the date as set forth below.

By RCWRMD this 27 day of Sept., 19 94

By Board this 14 day of Nov, 19 94

STATE OF CALIFORNIA
California Integrated
Waste Management Board

RIVERSIDE COUNTY WASTE
RESOURCES MANAGEMENT DISTRICT

By: [Signature]
Authorized Officer of the Board

By: [Signature]
Chief Executive Officer

APPROVED AS TO FORM
AND PROCEDURE:

By: *Robert F. Conheim*
Robert F. Conheim, Sr. Counsel

ATTEST:

By: *Debbie Woods*
(Name, Title) *Admin. Sup.*

APPROVED AS TO FORM
AND PROCEDURE:

By: *G. B. Blanksby*
County Counsel
9/21/94

RIVERSIDE COUNTY WASTE
RESOURCES MANAGEMENT DISTRICT

ATTEST:

BY: *Kay Cenicerros*
KAY CENICERROS

BY: *[Signature]*, Deputy

3361

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

833



FROM: Waste Management SUBMITTAL DATE: December 17, 1991

SUBJECT: Proposal to Establish County Landfill Corrective Action Liability Fund

RECOMMENDED MOTION: The Board approves Resolution No. 91-653 establishing a self-insured remediation fund for initiating and completing corrective action for releases from County landfills

JUSTIFICATION: Articles 5 of Chapter 15 of Title 23 of California Code of Regulations requires operators of Class III landfills to which waste has been discharged since December 8, 1984, to obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the waste management unit. The initial assurances are required to be in place by January 1, 1992.

This State Water Resources regulation became effective on July 1, 1991, and was distributed to operators in its final form in September 1991. Staff has investigated the implementation intent with County Counsel, County Risk Manager, and County Administrative Office, as well as the local Regional Water Quality Control staff; and by attending state briefing conferences for operators on this new regulation. (CONT.)

Deborah Collins-Nears
Deborah Collins-Nears
Risk Manager

Robert A. Nelson
Robert A. Nelson, Director
Waste Management Department

RAN: ft
Attachment
cc: CAO
County Counsel

C.A.O. RECOMMENDATION:
APPROVE.

FINANCIAL IMPACT:

Funds are budgeted for liability insurance.
This resolution shifts money from the pollution liability fund to the new fund.

Administrative Officer Signature

Maurice Marshall

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Larson, seconded by Supervisor Abraham and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Younglove, Cenicerros, Dunlap, Larson and Abraham
Noes: None
Absent: None
Date: December 17, 1991
xc: Waste Mgmt., Co.Co., Auditor

Gerald A. Maloney
Clerk of the Board
By: *M. Fitzgerald*
Deputy

Prev. Agn. ref.

Depts. Comments

Dist.

AGENDA NO.

UNW APPROVED
COUNTY COUNSEL

DEC 09 1991

By *D. B. Lamborn*
Deputy

The regulations further require submission of monitoring data and proposed continued monitoring plans; and if needed, mitigation and remediation programs are to be initiated at each effected landfill by July 1, 1992. The Department will respond to this element of the regulations independent from the action proposed herein.

The regulations apply to the following 16 County landfills:

Corona	Lamb Canyon
Mecca II	Blythe
Highgrove	Anza
Oasis	Idyllwild
Badlands	Elsinore
Coachella	Edom Hill
Desert Center	Mead Valley
Double Butte	El Sobrante

Extensive new waste discharge requirements are expected to be issued on each landfill resulting from the monitoring program proposals, which will build upon data collected in the prior SWAT (Solid Waste Assessment Tests) programs mandated by the State, and for which the Department has completed installation of wells, and has performed quarterly sampling and testing for (on the average) at least 2 years.

The existing and future test results will without a doubt, trigger corrective action at some of the landfills, since the historical practice in this County and throughout most of the State has been reliance upon unlined landfills. Prudence thus dictates the establishment of funding for these measures whether mandated by the State or not.

The County took action in 1985 near the time it set up the Waste Management Department as a separately funded Enterprise Fund Department to also establish a separate liability account to be managed by the County in its overall Risk Management program; deposits in excess of \$9 million dollars have been made over this period through the landfill tipping fee contribution.

In adopting this resolution, the Board will be establishing a credible means under which it can demonstrate its intent to comply with the regulations, while earmarking a fund that should be responsive to the reasonably perceived corrective action risks. Adjustments to the fund may be appropriate after the studies required by July 1, 1992, are completed.

In doing so, the Board should be aware that other types of liabilities and risks remain which are not covered out of this new focused fund. Those risks and liabilities will remain with the originally established general Risk Management fund.

Current tipping fee contribution of \$1.15 per ton deliver about \$1.8 million dollars to this overall fund.

Financial liability exposure of the County via the landfill activities potential to create corrective action to protect the groundwater is believed to be weighted well in excess of 50% of overall landfill liability exposures; thus, the proposal to shift \$1 million dollars per year into the focused fund initiated with a \$2.5 million dollar transfer is a recognition of this exposure.

Another key point with related concern, is the final outcome of additional regulations now being developed and going through the hearing process before the California Integrated Waste Management Board (CIWMB) to cover these other categories of loss. The draft regulations, as currently understood, appear to be able to be complied with by continuing to use Risk Management programs and existing funds in the general risk management fund. Until these regulations are adopted, and actually implemented, the precise requirements cannot be completely known. However, if a separate focused landfill liability fund is ultimately required by the CIWMB, it could raise concerns to the County's general risk management fund and/or cause future tipping fee increases.

The Department, with advice and counsel of the Risk Manager, County Counsel, and Administrative Office has tried to carefully weigh all of these factors in making this recommendation.

FINANCIAL: Impacts discussed above.

RESOLUTION NO. 91-653
ESTABLISHING A SELF-INSURED REMEDIATION FUND UNDER
23 CCR 2550.0(b) FOR INITIATING AND COMPLETING CORRECTIVE
ACTION FOR RELEASES FROM COUNTY LANDFILLS

WHEREAS, California Administrative Code Title 23, Waters,
Chapter 15, Article 5, Section 2550.0(b) as revised effective July
1, 1991, requires that the owners or operators of Class III
Landfills to which waste has been discharged since December 8,
1984, establish and maintain assurances of financial responsibility
for initiating and completing corrective action for all known or
reasonably foreseeable contaminate releases from the Waste Management
units; and

WHEREAS, such financial assurance is to be established
within six (6) months after July 1, 1991; and

WHEREAS, since December 8, 1984, Riverside County was
operating the landfills of Corona, Double Butte, Lamb Canyon, Mecca
II, Blythe, Elsinore, Highgrove, Anza, Edom Hill, Oasis, Idyllwild,
Mead Valley, Badlands, Coachella and Desert Center (collectively
referred to herein as "County Operated Landfills"), and was
contracting for the operation of the El Sobrante Landfill; and

WHEREAS, the County Agreement dated September 3, 1985, with
Western Waste Industries for operation of its existing 178 acre El
Sobrante landfill requires that Riverside County in a specified
manner fund certain new state imposed obligations on the 178 acre
site; and

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The foregoing is certified to be a true copy of a
resolution duly adopted by said Board of Super-
visors on the date therein set forth.

GERALD A. MALONEY, Clerk of said Board

Final Closure and Post Closure Maintenance Plan

By [Signature] Deputy

1 WHEREAS, pursuant to Board Action, Minute Order Item 3.16,
2 June 11, 1985, the County has been collecting \$1.15 per ton from
3 the tipping fees collected at its various gated landfills, with all
4 such funds collected to be kept in County's general Risk Management
5 Fund for various liabilities of all kinds County has accrued or may
6 accrue in the future; and

7 WHEREAS, the County Waste Management Department has now
8 estimated that corrective action, if necessary, at each landfill
9 site will require an average initial expenditure of approximately
10 \$700,000, and that under a conservative worst case scenario, not
11 all sites will require simultaneous initial corrective action; but
12 further, it is believed that during any given year no more than two
13 (2) of the total sites will require initial corrective action, and
14 that a fund anticipating this need at 60% of its sites, i.e., 10
15 sites, will provide reasonable assurance of financial
16 responsibility for all County landfills; and

17 WHEREAS, the County has estimated that additional annual
18 corrective maintenance cost, subsequent to the initial corrective
19 action, may average \$100,000 at each site, with no more than 10
20 sites requiring such expenditures on an ongoing simultaneous basis;
21 now, therefore,

22 BE IT RESOLVED by the Board of Supervisors of the County of
23 Riverside, State of California, in regular session assembled on
24 December 17, 1991, that prior to January 1, 1992, funds in the
25 amount of \$2,500,000 be placed into a separate fund, i.e., a Self-
26 Insured Remediation Fund hereby established under 23 CCR 2550.0(b),
27 for remediation work necessary at County operated landfills with
28 such funds to be made available for corrective actions, as required

1 by the State Water Resources Control Board or the various Regional
2 Water Quality Control Boards and as limited by, and in accordance
3 with the terms and conditions of, the Agreement with Western Waste
4 Industries for the El Sobrante Landfill.

5 BE IT FURTHER RESOLVED that funds in the amount of \$1,000,000
6 be added to the Self-Insured Remediation Fund herein established
7 for each subsequent year until such time as the accumulated amount
8 in the fund, after adding accumulated interest earnings, less
9 withdrawals to date, shall equal an amount of \$10,000,000.

10 BE IT FURTHER RESOLVED that the initial contribution to the
11 Self-Insured Remediation Fund established herein be transferred
12 from prior contributions by the Waste Management Department to the
13 County's general Liability Insurance Fund, and that the future
14 contributions into said fund be made by the Waste Management
15 Department from its liability insurance tipping fee component with
16 a corresponding decrease in contributions to the County's Liability
17 Insurance Fund.

18 BE IT FURTHER RESOLVED that the Director of the Department
19 of Waste Management shall review expenditures to date and provide
20 updated remediation costs not less than once every two (2) years
21 after the date of adoption of this Resolution, reporting findings
22 on the status of Self-Insurance Remediation Fund hereby created to
23 the Board of Supervisors and to the State Water Resources Control
24 Board.

25 BE IT FINALLY RESOLVED that the Board of Supervisors take
26 those steps necessary in future years to assure the continued
27 funding of the Self-Insurance Remediation Fund herein established
28 with sufficient funds to be taken out of landfill tipping fees so

1 that said contributions will always be able to provide for a fund
2 that will adequately meet the reasonably foreseeable corrective
3 expenses at said landfills.

4 Roll Call:

5 Ayes: Abraham, Dunlap, Cenicerros, Larson, Younglove

6 Noes: None

7 Absent: None

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GB:jf-643/lit:12/9/91



Riverside County
Waste Management Department

Hans W. Kernkamp, General Manager-Chief Engineer

2004 SEP -11 A 9 47

September 24, 2004

Ms. Nancy Jestreby
Financial Assurances Section
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025

File 06-0204.02 my
~~06-0204.02~~
✓ ALL

RE: Closure Accounts for Eight Riverside County Landfills: Anza, Badlands, Blythe, Desert Center, Edom Hill, Lamb Canyon, Mecca II, and Oasis (AKA Facility No.'s: 33-AA-0013, 33-AA-0006, 33-AA-0017, 33-AA-0016, 33-AA-0011, 33-AA-0007, 33-AA-0071, and 33-AA-0015)

Enclosed is the fiscal year ended July 31, 2004 calculations for 2004 deposits to closure escrow accounts for the above referenced landfill sites. In addition, included in this mailing is the original letter from the County of Riverside Treasurer officer attesting to the balances in the treasury and the summary pages of the individual escrow trusts indicating their balances as of September 20, 2004.

If you have any questions, please call me at 951-486-3234 or send an email to jquinones@co.riverside.ca.us.

Sincerely,

Justine K. Quinones
Justine K. Quinones
Administrative Manager

Enclosures

cc: Mr. John Robertus, CRWQCB – San Diego Region

Email w/o enclosure: Mr. Damian Meins
County of Riverside Local Enforcement Agency

Mr. Robert Perdue, Colorado River Basin-Palm Desert Region (7)
California Regional Water Quality Control Board

Ms. Dixie Lass, Santa Ana Region (8)
California Regional Water Quality Control Board

Mr. Willy Jenkins, Permitting and Inspection Branch, CIWMB

Mr. Alan Berry, Closure & Technical Services, CIWMB
California Environmental Protection Agency

OFFICERS

PAUL McDONNELL
TREASURER
ROCHELLE JOHNSON
ASSISTANT TAX COLLECTOR
DON KENT
ASSISTANT TREASURER
TOM MULLEN
CHIEF DEPUTY



PAUL McDONNELL
TREASURER

OFFICERS

SUE BAUER
CHIEF DEPUTY
MIKE FULKERSON
CHIEF DEPUTY
GARY COTTERILL
CHIEF DEPUTY
JON CHRISTENSEN
CHIEF DEPUTY

September 22, 2004

California Waste Management Board
1001 I Street
P O Box 4025
Sacramento, CA. 95812-4025

Attn: Nancy Jesterby

Attached are the fund numbers, the fund names and balances that you requested as of Sep
20, 2004

Thank you


Marlene S. Pratt
Supervising Acct. Tech
951-955-3963

RIVERSIDE COUNTY TREASURER

4080 LEMON STREET, 4TH FLOOR ★ P.O. BOX 12005 ★ RIVERSIDE, CALIFORNIA 92502
WWW.COUNTYTREASURER.ORG ★ (909) 955-3900 ★ (760) 863-8900 ★ FAX (909) 955-3906

Riverside County

Fund Summary Report

9/1/04 - 9/20/04

Fund	Fund Name	Balance Forward	Total Debits	Total Credits	Investments	Total
040203	OASIS CLOSURE ESCROW	\$256,080.36	\$45.00 ✓	\$0.00	0.00	\$256,125.36
040204	ANZA CLOSURE ESCROW	\$1,275,944.81	\$8,442.00 ✓	\$0.00	0.00	\$1,284,386.81
040205	LAMB CANYON CLOSURE ESCROW	\$3,386,077.47	\$203,597.00 ✓	\$0.00	0.00	\$3,589,674.47
040207	BADLANDS CLOSURE ESCROW	\$4,455,333.62	\$678,305.00 ✓	\$0.00	0.00	\$5,133,638.62
040208	EDOM HILL CLOSURE ESCROW	\$11,836,534.91	\$0.00	\$0.00	0.00	\$11,836,534.91
040209	DESERT CENTER CLOSURE ESCROW	\$160,344.89	\$889.00 ✓	\$0.00	0.00	\$161,233.89
040211	BLYTHE CLOSURE ESCROW	\$854,100.57	\$72,782.00 ✓	\$0.00	0.00	\$926,882.57
	Sub Total:	\$22,224,416.63	\$964,060.00	\$0.00	\$0.00	\$23,188,476.63
	Total:	\$22,224,416.63	\$964,060.00	\$0.00	\$0.00	\$23,188,476.63

Riverside County
Fund Summary Report
6/1/04 - 9/20/04

Fund	Fund Name	Balance Forward	Total Debits	Total Credits	Investments	Total
040206	MECCA II CLOSURE ESCROW	\$1,074,079.20	\$20,846.53	\$0.00	0.00	\$1,094,925.73
	Sub Total:	\$1,074,079.20	\$20,846.53	\$0.00	\$0.00	\$1,094,925.73
	Total:	\$1,074,079.20	\$20,846.53	\$0.00	\$0.00	\$1,094,925.73

ANZA SANITARY LANDFILL

Joint Technical Document Addendum No. 1:

Final Closure and Post-Closure Maintenance Plan

In accordance with California Code of Regulations Title 27

VOLUME I

Table of Contents, Final Closure Plan, Table of Contents, Final Post Closure
Maintenance Plan, Figures, Appendices 1 through 7

July 2001
Revised March 2002
Revised June 2002
Revised December 2002

Prepared by



Riverside County
Waste Management Department

RIVERSIDE, COUNTY OF, WST MGMNT
ANZA LANDFILL
WDR
REPORT FILE: 12 11/2002 - 12/2003
06-0204.03 STATUS: C

Owner and Operator

06-0204.03

5. Closure Cost Estimate

5.1. Costs

Closure cost estimates were determined using the guidelines of Title 27, Section 21820, which require the cost estimate to be based on the following assumptions:

- to determine the cost at that point in the landfill's life when closure would be the most expensive,
- to include the activities anticipated for scheduled closure,
- to include the cost of design, materials, equipment, labor, administration and quality assurance necessary,
- to hire a third party to close the landfill in accordance with an approved closure plan, and
- to increase the cost by twenty percent to account for contingencies.

The Closure Cost Estimate for the Anza Landfill is \$1,222,286. Appendix 12 – Closure Cost Estimate, includes a tabulated summary of those costs and calculations used to determine closure costs.

As required by Title 27, Section 21820, the closure cost estimate also includes an estimate of the cost to install or upgrade site security and the cost for structure removal. Costs to install or upgrade the landfill gas monitoring and control systems are not included as no work for these items is necessary.

5.2. Financial Assurance

5.2.1. Closure

As operator and owner of the Anza Landfill, the Riverside County Waste Management Department is accountable for financing the landfill closure costs and, as such, maintains an escrow account within an Enterprise Fund, approved by the CIWMB. This fund is increased annually under a formula established by the CIWMB. See Appendix 13-A – Resolution No. 90-493, Closure Construction Escrow Account, which establishes Escrow Agreements for Closure and Post-Closure Maintenance Costs for County-owned landfills.

As allowed for by CCR Title 27, Section 21800(d)(1), a detailed schedule for advance payment for disbursement of funds for closure activities from the established Enterprise Fund has been prepared and is included in this report as Figure 8 – Closure Sequence and Disbursement Schedule. Activities to be performed are in accordance with the Final Closure Plan. The disbursement schedule has been prepared on a quarterly basis and is consistent with Closure Construction Schedule shown in Figure 5.

5.2.2. Corrective Action

In accordance with Title 23, Section 2550.0 (b), the Riverside County Waste Management Department established a self-insured remediation fund for initiating and completing corrective action for releases from County landfills through Resolution No. 91-653, which was approved by the Riverside County Board of Supervisors on December 17, 1991. This fund maintains a balance of at least \$10,000,000 at all times for use in responding to remediation issues at 16 Department landfills, including the Anza Sanitary Landfill, in which waste had been deposited since December 8, 1994. A portion of the tipping fee at current active Department landfills is earmarked for replenishment of this fund, as needed. See Appendix 13-C – Resolution No. 91-653, Establishment of a Self-Insured Corrective Action Fund.

The State Water Resources Control Board requirements under Title 23, 2550.0 (b) have been replaced by Title 27, Section 22222, requiring availability of funds for sites with a known or reasonably foreseeable release not covered by the CIWMB regulations. Annually, the Department reviews the corrective action costs for all Department sites and adjusts the liabilities accordingly and puts monies into the annual budget for required work. The Department therefore ensures there are sufficient funds to address corrective action measures at the Anza Sanitary Landfill.